

**FILED**

SEP 08 2008

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *PR* DEPUTY

JUSA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**'08 MJ 88 13**

UNITED STATES OF AMERICA ) Magistrate Case No.:  
Plaintiff, ) COMPLAINT FOR VIOLATION OF  
v. ) 21 U.S.C. § 952 and 960  
Kirk TICHENOR (1) ) Importation of a Controlled  
Kevin TICHENOR (2) ) Substance (Felony)  
Defendants. )

The undersigned complainant being duly sworn states:

That on or about September 7, 2008, within the Southern District of California, defendants Kirk TICHENOR and Kevin TICHENOR did knowingly and intentionally import approximately 112.04 kilograms (246.48 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

*Claudia Herzog*  
Claudia Herzog, Special Agent  
U. S. Immigration & Customs  
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8TH  
DAY OF SEPTEMBER 2008.

*Peter C. Lewis*  
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Kirk TICHENOR (1)

4 Kevin TICHENOR (2)

5 STATEMENT OF FACTS

6 This Statement of Facts is based on the reports, documents, and notes furnished  
7 to U. S. Immigration and Customs Enforcement Special Agent Claudia Herzog.

8 On September 7, 2008, at approximately 2245 hours, Kirk TICHENOR, driver, was  
9 accompanied by his brother, Kevin TICHENOR, in a 2008 Sun Forestyle RV, bearing  
10 Nevada license plate number 224VGZ, as they entered the United States at the Calexico,  
11 California, East Port of Entry.

12 Customs & Border Protection Officer R. Ramos received negative a Customs  
13 declaration from Kirk TICHENOR. Kirk TICHENOR stated he didn't have identification  
14 because someone had broken into the RV and stolen both of their wallets. Kirk  
15 TICHENOR stated he rented the vehicle from a place in Las Vegas, Nevada, and were  
16 returning to Las Vegas where they lived. Kirk TICHENOR stated they had been in San  
17 Felipe, Mexico, since last Thursday. Officer Ramos noticed the vehicle being very clean.  
18 Officer Ramos referred Kirk and Kevin TICHENOR and the vehicle to secondary for further  
19 inspection.

20 In the vehicle secondary area, Officer E. Bosquet received a negative Customs  
21 declaration from Kirk TICHENOR. Kirk and Kevin TICHENOR stated they had rented the  
22 RV in Las Vegas four days ago and had gone to San Felipe for the weekend. Kirk  
23 TICHENOR stated they had stayed in a camp in San Felipe. Kevin TICHENOR stated they  
24 had left the RV unattended only for a couple of hours during the weekend. Kirk and Kevin  
25 TICHENOR stated they had slept in the RV.

26 Canine Enforcement Officer Pyburn advised his assigned Narcotic Detector Dog  
27 had alerted to the bed area of the RV. A subsequent inspection of the vehicle revealed  
28 thirty-five (35) packages within the bed. Officer Bosquet probed one of the packages and  
a sample of a green leafy substance was obtained, which field tested positive for the

1 indication of marijuana. The thirty-five (35) packages had a combined net weight of  
2 approximately 112.04 kilograms (246.48 pounds) of marijuana.  
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